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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 20 March 2017 from the Permanent Mission of Sweden to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Sweden to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit herewith its implementation report pursuant to resolution 2321 (2016) (see annex).

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Annex to the note verbale dated 20 March 2017 from the Permanent Mission of Sweden to the United Nations addressed to the Chair of the Committee

Report of Sweden on the implementation of Security Council resolution 2321 (2016)

1. Sweden and the other member States of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by the Security Council in its resolution 2321 (2016) by taking the following common measures:

(a) Council Decision (CFSP) 2016/2217 of 8 December 2016 amending Decision (CFSP) 2016/849 and Commission Implementing Regulation (EU) 2016/2215 of 8 December 2016 amending Council Regulation (EC) No. 329/2007, which implement the designation of additional persons and entities (travel ban and asset freeze);

(b) Council Decision (CFSP) 2017/345 of 27 February 2017 amending Decision (CFSP) 2016/849, which sets out the commitment of the European Union to implementing all the measures contained in resolution 2321 (2016) and provides the basis for accompanying measures specific to the European Union, but within the scope of the resolution, notably the following:

- Trade ban on nuclear- and missile-usable items listed in annex III to resolution 2321 (2016)
- Trade ban on items contained in the new conventional arms dual-use list adopted by the Sanctions Committee pursuant to paragraph 7 of resolution 2321 (2016)
- Ban on leasing or chartering vessels or aircraft, or providing crew services, to the Democratic People's Republic of Korea
- Prohibition on registering vessels in the Democratic People's Republic of Korea, obtaining authorization for a vessel to use the flag of that country and on owning, leasing, operating, providing vessel classification, certification or associated services to, or insuring a vessel flagged by, the Democratic People's Republic of Korea
- Clarification that specialized teaching and training that could contribute to the proliferation-sensitive nuclear activities of the Democratic People's Republic of Korea or the development of nuclear weapons delivery systems can also include, but is not limited to, advanced materials science, advanced chemical engineering, advanced mechanical engineering, advanced electrical engineering and advanced industrial engineering
- Suspension of scientific and technical cooperation involving persons or groups that are officially sponsored by or that represent the Democratic People's Republic of Korea, except in the case of medical exchanges; in the field of nuclear science and aerospace technology, exemptions may be granted by the Sanctions Committee when it has determined, on a case-by-case basis, that the activity will not contribute to illegal activities, while for other fields of

technical cooperation, the Member State may determine that the activity will not contribute to illegal activities, in which case it has to notify the Sanctions Committee in advance

- Attribution to the Sanctions Committee of the power to list vessels if it has information or reasonable grounds to believe that the vessels are involved in illegal activities; this power includes the additional measures that might be imposed by the Sanctions Committee in this regard
- Restriction on the admission, to the European Union, of members of Government and officials of the Democratic People's Republic of Korea and members of that country's armed forces who are linked to illicit activities
- Limitation on the number of accounts at banks in the European Union to one per diplomatic mission and consular post of the Democratic People's Republic of Korea and one per accredited diplomat and consular officer of that country
- Prohibition against the Democratic People's Republic of Korea using real property that it owns or leases for any purpose other than diplomatic or consular activities and against leasing from the Democratic People's Republic of Korea real property situated outside its territory
- Prohibition on providing insurance or re-insurance services to vessels owned, controlled or operated, including through illicit means, by the Democratic People's Republic of Korea
- Prohibition on procuring vessels and aircraft crewing services from the Democratic People's Republic of Korea
- Obligation to deregister any vessel that is owned, controlled or operated by the Democratic People's Republic of Korea, including a prohibition on registering any such vessel that has been deregistered by another United Nations Member State
- Extension of export prohibitions: establishment of a new regime for the export ban on coal, including a cap on the exemptions relating to total exports to all United Nations Member States, with the power to determine the cap attributed to the Sanctions Committee and the export ban extended to new items, namely, statues, new helicopters and vessels, copper, nickel, silver and zinc
- Financial sector: imposition of an obligation to close existing representative offices, subsidiaries or banking accounts in the Democratic People's Republic of Korea within 90 days, unless approved by the Sanctions Committee on the grounds that the accounts are required for the delivery of humanitarian assistance or the activities of diplomatic missions
- Prohibition on providing public and private financial support, including the granting of export credits, guarantees or insurance to nationals or entities of the Democratic People's Republic of Korea involved in such a trade
- Obligation to expel persons who are working on behalf or at the direction of a bank or financial institution of the Democratic People's Republic of Korea, unless the presence of the person is required for fulfilment of a judicial process or exclusively for medical, safety or humanitarian purposes

- Obligation to seize and dispose of (such as through destruction, rendering inoperable or unusable, storage or transfer to a State other than the originating or destination State for disposal) items the supply, sale, transfer, or export of which is prohibited under Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) and 2321 (2016) and that are identified through inspections, in a manner that is not inconsistent with the obligations of Member States under applicable Security Council resolutions, including resolution 1540 (2004)

- Possibility for the Sanctions Committee to grant exemptions to the aforementioned prohibitions, on a case-by-case basis, including when it has determined that an exemption may facilitate the work of international and non-governmental organizations;

(c) Council Regulation (EU) 2017/330 of 27 February 2017 amending Regulation (EC) No. 329/2007, which gives effect to the measures provided in Council Decision (CFSP) 2017/345 of 27 February 2017.

2. In addition to the common European Union measures, the Swedish authorities, within the scope of their national implementation competence, apply the Act on Certain International Sanctions (1996:95) in implementing the restrictive measures against the Democratic People's Republic of Korea imposed by the Security Council.

3. The Council regulations mentioned above are binding in their entirety and are directly applicable in all States members of the European Union, including Sweden. By Council Regulation (EC) No. 329/2007, as amended, member States are required to determine the penalties applicable to infringements of its provisions. At the national level, penalties for violations of directly applicable European Union law are set out in the relevant sections of the Act on Certain International Sanctions.

4. Sweden has also adopted the Military Equipment Act (1992:1300), which requires authorization for the sale, supply, transfer or export of arms and related materiel (excluding paramilitary equipment) to third countries and authorization for the provision of brokering services and other services related to military activities. Together, Council Decision (CFSP) 2016/849 and the Military Equipment Act provide the basis for enforcing the arms embargo against the Democratic People's Republic of Korea and the ban on related brokering services.

5. In addition, Sweden has passed Decree (2011:67) concerning Certain Sanctions against the Democratic People's Republic of Korea, prohibiting the procurement of arms and related materiel (including paramilitary equipment) from, as well as the sale, supply, transfer or export of paramilitary equipment to, the Democratic People's Republic of Korea.

6. Regarding restrictions on admissions (visa ban), the general legislation of Sweden concerning aliens, Council Decision (CFSP) 2016/849 and Council Regulation (EC) No. 539/2001 of 15 March 2001 together provide the basis for refusing admission and denying requests for a visa.